

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 15, 2008

D049623 Cardinal Health 301, Inc. v. Tyco Electronics Corp. et al./Remec, Inc.

The judgment is reversed as to T&B. The judgment is affirmed as to Tyco, except that we strike the award for future damages (\$5,543,784.87). The cost award in favor of Remec is affirmed. T&B is awarded costs against Cardinal. Cardinal and Tyco are to bear their own costs. Remec is awarded costs against Cardinal. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D052679 People v. Chavouan
D053263 People v. Chavouan
(consolidated)

The order denying additional custody credits is reversed. The case is remanded to the superior court with directions to hold an evidentiary hearing on the defendant's request for additional custody credits and to award at least 60 days in additional credits. The trial court is also directed to amend the abstract of judgment accordingly and to forward the amended abstract to the Department of Corrections and Rehabilitation. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

D047556 People v. Ortiz

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D052684 Najor v. Blake

The order of the trial court overruling Blake's demurrer to Najor's amended complaint is affirmed. Respondent is awarded costs on appeal. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D051886 In re Roberto A., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D052889 Kahn v. Humphries et al.

The judgment is reversed. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D052501 People v. Maldonado

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D051369 Herrera et al. v. F.H. Paschen/S.N. Nielsen Inc., et al.

The judgment is reversed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.

D053685 In re Precious C., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 15, 2008 (Continued)

D054063 T. R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner T. R. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED

D051814 Erickson et al. v. Fry's Electronics Inc., et al.

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 16, 2008

D053670 In re S.T. et al., Juveniles

The appeals are dismissed. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D051241 People v. Brown

Affirmed. Irion, J.; We Concur: Benke, Acting P.J., Nares, J.

D053027 In re Brown on Habeas Corpus

The petition is denied.

D052291 Garza v. Kolender et al.

The appeal is dismissed. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D051862 Arnold v. The Senate Rules Committee

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D054205 Jama v. Superior Court of San Diego County/People

The petition is denied.

D052453 People v. Schiltz

The sentence is vacated and the case is remanded with directions to strike the prior prison term enhancement based on Schiltz's 1978 Nevada robbery conviction. The trial court is further directed to adjust Schiltz's sentence, accordingly, to seven years and four months, prepare an amended abstract of judgment, and forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. Huffman, Acting P.J., We Concur: Nares, J., McIntyre, J.

D051603 Mendoza et al. v. Ruesga

The judgment is reversed insofar as it pertains to the complaint's causes of action for violation of the ICA, and resultant award of attorney fees and costs, and breach of fiduciary duty. The judgment is affirmed insofar as it concerns the complaint's cause of action for the intentional infliction of emotional distress and the cross-complaint. Plaintiffs are entitled to costs on appeal. (Certified for Publication) McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D054233 Saldana v. Superior Court of San Diego County/People

The Supreme Court transferred this petition to this court for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767, with instructions to deny it if it is substantially identical to a prior petition. The petition has been read and considered by Justices Benke, O'Rourke and Irion. The petition is substantially identical to petition No. D053677, which was denied by this court on October 20, 2008.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 16, 2008 (Continued)

D051782 Pena et al. v. J&M Associates Inc., et al.

The order denying plaintiffs' section 473, subdivision (b), motion to vacate the summary judgment for defendant J&M is affirmed. The judgment for defendant NASSCO is affirmed. J&M and NASSCO are entitled to their costs on appeal. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

D051517 Anderson v. Vista Pioneers I, Inc.

The trial court's ruling denying Anderson leave to amend the negligence cause of action in the first amended complaint in this action is reversed. This action is remanded to the trial court for proceedings consistent with this opinion. In all other respects the judgment is affirmed. The parties are to bear their own costs. Irion, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D052337 Gilb et al. v. City of La Mesa et al.

The judgment is affirmed. The City of La Mesa is awarded costs on appeal. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D053554 Mills v. Barrett Business Services, Inc.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party shall bear her or its own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 17, 2008

D053970 Ladd v. Superior Court of San Diego County/Brown

The request for judicial notice is GRANTED. The petition is DENIED.

D053969 Lasater v. Superior Court of San Diego County/Brown

The petition is denied.

D053931 In re the Marriage of Avalos

The appeal filed October 10, 2008, is dismissed because appellant did not timely deposit costs for preparing the record on appeal and failed to timely designate the record.

D054088 J. Z. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency.

Counsel has not responded to this court's order of December 4, 2008 requiring a notice of intent signed by the petitioner or a declaration showing good cause for waiver of the signature requirement. The case is accordingly dismissed.

D054183 Elizabeth R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Christopher R. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Christopher R. is dismissed.

D054156 T.G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tiffany G. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 18, 2008

D051689 Casteneda v. Abro et al.

The judgment is affirmed. Respondent is awarded her costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Nares, J.

D053172 People v. Gradilla

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D054196 Webb v. Superior Court of San Diego County/People

The petition is denied.

D054294 The Hartford Steam Boiler Inspection and Insurance Company v. Superior Court of San Diego County/Vien Dong IV Supermarket Inc., et al.

The petition for writ of mandate and request for stay have been read and considered by Justices Benke, O'Rourke and Irion. The petition is denied.

D053271 In re Frey on Habeas Corpus

The petition is denied.

D054268 Bryant v. Superior Court of Imperial County/People

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 19, 2008

D051010 In re Marriage of Stauffer

The orders are affirmed. Debra shall recover her costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D052510 In re Michael T., a Juvenile

The true findings on the arson and felony vandalism counts are reversed. The order of wardship is reversed. The civil judgment finding Michael liable for restitution is reversed. Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D051913 People v. Bailey

The judgment is modified to stay imposition of sentence on count 2 in case number SCD199832. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

D053530 Party City Corporation v. Superior Court of San Diego County/Palmer

Let a writ of mandate issue ordering the superior court to grant the motion for summary judgment in favor of petitioner. The stay of proceedings is dissolved. Costs are awarded to petitioner. CERTIFIED FOR PUBLICATION
Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D052806 Conservatorship of G.D.

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D052698 In re R. C., a Juvenile

The judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION
Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D051779 People v. Wight

The judgment is modified to show \$47,618.96 is the total amount of fines, fees, and restitution due as a condition of Wight's probation. As so modified, the judgment is affirmed. McDonald, Acting P.J.; We Concur: Aaron, J., Irion, J.

D052886 People v. Adams

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 19, 2008 (Continued)

D054127 David H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

On December 10, 2008, this court directed petitioner's counsel to file, within seven days, a notice of intent signed by petitioner or a declaration showing good cause for waiver of the signature requirement. The December 10, 2008 order stated that this matter would be dismissed if counsel did not comply. Counsel has not filed the required notice of intent or declaration. On December 16, 2008, counsel filed a "motion to augment in the record on appeal [sic] with reporter's transcript." The motion is DENIED and the case is DISMISSED.

D051215 People v. Flores

The trial court's probation order is modified to eliminate any requirement that Flores pay the costs of probation or attorney fees *as a condition of* probation; however, the trial court's order that defendant pay such costs and fees is affirmed. In all other respects the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

D052057 Otay Land Company et al. v. Royal Indemnity Company

The opinion filed November 25, 2008 is ordered certified for publication.

